

Council Meeting for 06-30-2010

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CITY OF SAN BERNARDINO

300 N. "D" Street
San Bernardino, CA 92418
Website: www.sbcity.org

Mayor Patrick J. Morris

Council Members:

*Virginia Marquez
Jason Desjardins
Tobin Brinker
Fred Shorett
Chas Kelley
Rikke Van Johnson
Wendy McCammack*

**AGENDA
JOINT ADJOURNED REGULAR MEETING
MAYOR AND COMMON COUNCIL
AND THE
COMMUNITY DEVELOPMENT COMMISSION
OF THE CITY OF SAN BERNARDINO
WEDNESDAY, JUNE 30, 2010 – 5:00 P.M.
ECONOMIC DEVELOPMENT AGENCY
BOARDROOM
201 NORTH "E" STREET
SAN BERNARDINO, CA**

The City of San Bernardino recognizes its obligation to provide equal access to those individuals with disabilities. Please contact the City Clerk's Office (384-5002) two working days prior to the meeting for any requests for reasonable accommodation to include interpreters.

Any writings or documents provided to a majority of the City Council/Commission regarding any item on the agenda will be made available for public inspection at the City Clerk's Counter at City Hall located at 300 N. "D" Street, 2nd Floor, during normal business hours. In addition, such writings and documents will be posted on the City's website at www.sbcity.org subject to staff's ability to post the documents before the meetings.

CALL TO ORDER: _____

PRESENT: _____

ABSENT: _____

PUBLIC COMMENTS ON CLOSED SESSION ITEMS

A three-minute limitation shall apply to each member of the public who wishes to address the Mayor and Common Council/Community Development Commission. No member of the public shall be permitted to “share” his/her three minutes with any other member of the public.

CLOSED SESSION

1. Pursuant to Government Code Section(s):

MOTION: That the Mayor and Common Council and Community Development Commission recess to closed session for the following:

- A. Conference with legal counsel – existing litigation – pursuant to Government Code Section 54956.9(a).
- B. Conference with legal counsel – anticipated litigation – significant exposure to litigation – pursuant to subdivision (b) (1), (2), (3) (A-F) of Government Code Section 54956.9.
- C. Conference with legal counsel – anticipated litigation – initiation of litigation – pursuant to subdivision (c) of Government Code Section 54956.9.
- D. Closed Session – personnel – pursuant to Government Code Section 54957.
- E. Closed session with Chief of Police on matters posing a threat to the security of public buildings or threat to the public’s right of access to public services or public facilities – pursuant to Government Code Section 54957.
- F. Conference with labor negotiator – pursuant to Government Code Section 54957.6:

Mid-Management
General
Management/Confidential
Fire Safety
Fire Management
Police Management
Police

- G. Conference with real property negotiator – pursuant to Government Code Section 54956.8.

END OF CLOSED SESSION

City Manager

2. Resolution of the Mayor and Common Council of the City of San Bernardino setting the 2010 regulatory fee for the sale of fireworks. (See Attached) **(No Cost to the City) (Resolution not available at time of printing.) All Wards**

MOTION: That full reading be waived; and that said resolution be adopted.

Human Resources

3. Resolution authorizing extension of side letters/resolutions for the General, Middle Management, Management/Confidential and Fire Management bargaining units. (See Attached) **(Total Savings: \$477,950) (Resolution not available at time of printing.)**

MOTION: That full reading be waived; that said resolution be adopted; and that the City Manager be authorized to continue a 36-hour reduced work week and commensurate Friday closure of City Hall through August 31, 2010.

4. Budget workshop and deliberations – Fiscal Year 2010/2011 – City, Capital Improvement Program, and EDA Budgets.

MOTION: Discuss and take possible action concerning proposed City, CIP and EDA budgets.

A. Revenue Action Items

City Manager

1. Authorization to proceed with placing a measure on the November 2, 2010 ballot for a Property Transfer Tax Measure. **(Document not available at time of printing.) All Wards**

MOTION: That the City Manager's Office be authorized to proceed with the Property Transfer Tax Process and secure proposals from consultants for public outreach and that the City Attorney's Office be directed to prepare necessary resolutions to place the matter on the November, 2010 ballot.

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A. Continued.

2. Authorization to proceed with the formation of a City-wide Maintenance Assessment District and secure proposals for consultants for Assessment Engineering and Outreach services. (See Attached) **(Cost to City - \$84,640 to \$114,640 - Estimated formation and outreach costs to be reimbursed upon successful formation of the District)** **All Wards**

MOTION: That the City Manager be authorized to proceed with the formation of a City-wide Assessment District including securing proposals from consultants for Assessment Engineering and Outreach services.

3. Authorization to proceed with a Utility Cost Allocation Study to explore feasibility of increasing utility franchise fees. **(Document not available at time of printing.)** **All Wards**

MOTION: That the City Manager be authorized to proceed with a Utility Cost Allocation Study to explore the feasibility of increasing utility franchise fees.

B. **Presentation of FY 2010/11 Alternative Budget (Document not available at time of printing.)**

C. **City of San Bernardino Budget Adoption – FY 2010/11 (Document not available at time of printing.)**

1. Resolution of the Mayor and Common Council approving and adopting the Final Budget for FY 2010/2011 and directing staff to prepare budget documentation. **(Resolution not available at time of printing)**

MOTION: That full reading be waived; and that said resolution be adopted.

OR

(Item Continued on Next Page)

C. Continued.

2. Resolution of the Mayor and Common Council of the City of San Bernardino, California, authorizing the City of San Bernardino to establish 2010/2011 expenditures for the month of July, 2010 only, at one-twelfth the actual levels contained in the adopted budget for 2009/2010 fiscal year, or as needed to pay the authorized costs incurred for the month of July, 2010 only, pending final approval of the 2010/2011 budget. **(Resolution not available at time of printing)**

MOTION: That full reading be waived, and that said resolution be adopted.

Public Works

- D. Resolution of the Mayor and Common Council of the City of San Bernardino adopting the Fiscal Year 2010/2011 through 2014/2015 Capital Improvement Program. (See Attached) **(Resolution not available at time of printing).** **All Wards**

MOTION 1: That full reading be waived; and that said resolution with Exhibit "A" be adopted.

MOTION 2: That full reading be waived; and that said resolution with Exhibit "B" be adopted.

MOTION 3: That full reading be waived; and that said resolution with Exhibit "C" be adopted.

MOTION 4: That the Director of Finance be authorized to incorporate the completed FY 2010/11 Capital Improvement Program the final FY 2010/11 budget.

E. **Economic Development Agency Budget Adoption – Fiscal Year 2010/2011 (Document not available at time of printing.)**

(Mayor and Common Council)

1. Resolution of the Mayor and Common Council of the City of San Bernardino, California, authorizing the funding of various City of San Bernardino fiscal year 2010-2011 public improvement expenditures and making findings and determinations pursuant to Health & Safety Code Sections 33445 and 33445.1 as to the benefit to the various redevelopment project areas for undertaking public improvements in connection with these various City expenditures. **(Resolution not available at time of printing.)**
2. Resolution of the Mayor and Common Council of the City of San Bernardino, California approving the execution and delivery of an Agency-City 2010 Loan Agreement and 2010-2011 Note of the City of San Bernardino (“City”) payable to the Redevelopment Agency of the City of San Bernardino (“Agency”) in the principal amount equal to \$1,332,925 for the repayment of the \$1,310,000 principal amount of the 2009-2010 Note payable from the City to the Agency. **(Resolution not available at time of printing.)**
3. Resolution of the Mayor and Common Council of the City of San Bernardino, California approving a Master Services Agreement for fiscal year 2010-2011 by and between the Redevelopment Agency of the City of San Bernardino (“Agency”) and the City of San Bernardino (“City”) and authorizing the Agency’s payment to the City for the performance of certain functions by City Departments for the benefit of the Agency. **(Resolution not available at time of printing.)**

(Community Development Commission)

4. Resolution of the Community Development Commission of the City of San Bernardino, California, approving the Economic Development Agency’s budget for the fiscal year 2010-2011 with any such amendments, changes and modifications that may be specifically authorized by said Commission, except for those portions of certain budget lines which are related to the Central City Projects Redevelopment Area and the Uptown Redevelopment Project Area. **(Resolution not available at time of printing.)**

(Item Continued on Next Page)

E. Continued.

5. Resolution of the Community Development Commission of the City of San Bernardino, California approving the Economic Development Agency's budget for those portions of certain budget lines which are related to the Uptown Redevelopment Project Area for the fiscal year 2010-2011 with any such amendments, changes and modifications that may be specifically authorized by said Commission. **(Resolution not available at time of printing.)**
6. Resolution of the Community Development Commission of the City of San Bernardino, California approving the Economic Development Agency's budget for those portions of certain budget lines which are related to the Central City Projects Redevelopment Project Area for the fiscal year 2010-2011 with any such amendments, changes and modifications that may be specifically authorized by said Commission. **(Resolution not available at time of printing.)**
7. Resolution of the Community Development Commission of the City of San Bernardino, California, authorizing the funding of various City of San Bernardino fiscal year 2010-2011 public improvement expenditures and making findings and determinations pursuant to Health & Safety Code Sections 33445 and 33445.1 as to the benefit to the various redevelopment project areas for the undertaking of various public improvements. **(Resolution not available at time of printing.)**
8. Resolution of the Community Development Commission of the City of San Bernardino, California, approving amendments to Exhibits "A" and "B", deletion of certain pages and the addition of other pages to Exhibit "C" of the Personnel Policies and Procedures for all employees of the City of San Bernardino Economic Development Agency. **(Resolution not available at time of printing.)**

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E. Continued.

9. Resolution of the Community Development Commission of the City of San Bernardino, California, approving the Economic Development Agency's analysis and determination of the appropriateness of the planning and administration expenditures of the Low- and Moderate-Income Housing Fund for the fiscal year 2010-2011 Agency Budget. **(Resolution not available at time of printing.)**
10. Resolution of the Community Development Commission of the City of San Bernardino, California, approving a Master Services Agreement for fiscal year 2010-2011 by and between the Redevelopment Agency of the City of San Bernardino ("Agency") and the City of San Bernardino ("City") and authorizing the Agency's payment to the City for the performance of certain functions by City Departments for the benefit of the Agency. **(Resolution not available at time of printing.)**
11. Resolution of the Community Development Commission of the City of San Bernardino approving the execution and delivery of an Agency-City 2010 Loan Agreement and 2010-2011 Note of the City of San Bernardino ("City") payable to the Redevelopment Agency of the City of San Bernardino ("Agency") in the principal amount equal to \$1,332,925 for the repayment of the \$1,310,000 principal amount of the 2009-2010 Note from the City to the Agency. **(Resolution not available at time of printing.)**

OR

12. Resolution of the Community Development Commission of the City of San Bernardino, California, authorizing the Economic Development Agency to continue expenditures, except for those portions of certain budget lines which are related to the Uptown and Central City Projects Redevelopment Project Areas, at the budgeted level for the 2009-2010 fiscal year, with allowance for those budgeted items having prior Commission approval, pending final approval of the 2010-2011 budget. **(Resolution not available at time of printing.)**

(Item Continued on Next Page)

E. Continued.

13. Resolution of the Community Development Commission of the City of San Bernardino, California, authorizing the Economic Development Agency to continue expenditures for those portions of certain budget lines, which are related to the Uptown Redevelopment Project Area, at the budgeted level for the 2009-2010 fiscal year, with allowance for those budgeted items having prior Commission approval, pending final approval of the 2010-2011 budget. **(Resolution not available at time of printing.)**

MOTION 1: That said resolutions 1-11 be adopted.

MOTION 2: That said resolutions 12 and 13 be adopted.

City Manager

5. Reconsider Discussion of Charter Measures. (See Attached) **(Backup distributed on June 8, 2010, Item No. 2)**

MOTION 1: That the Mayor and Common Council reconsider discussion of the City Charter.

MOTION 2: That the Mayor and Common Council discuss and take possible action regarding the City Charter.

6. **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA:** A three-minute limitation shall apply to each member of the public who wishes to address the Mayor and Common Council/Community Development Commission on a matter not on the agenda. No member of the public shall be permitted to “share” his/her three minutes with any other member of the public. (Usually, any items heard under this heading are referred to staff for further study, research, completion and/or future Council/Commission action.)

7. Adjournment.

MOTION: That the meeting be adjourned to 5 p.m., Thursday, July 1, 2010, in the Economic Development Agency Boardroom, 201 North “E” Street, San Bernardino, California, to consider the Fiscal Year 2010/2011 City and Economic Development Agency budgets.

NOTE: The next joint *regular* meeting of the Mayor and Common Council/Community Development Commission is scheduled for **1:30 p.m., Tuesday, July 6, 2010**, in the Council Chambers of City Hall, 300 North “D” Street, San Bernardino, California.

NOTICE: Any member of the public may address this meeting of the Mayor and Common Council/Community Development Commission on any item appearing on the agenda by approaching the microphone in the Council Chambers when the item about which the member desires to speak is called and by asking to be recognized.

Any member of the public desiring to speak to the Mayor and Common Council/Community Development Commission concerning any matter not on the agenda but which is within the subject matter jurisdiction of the Mayor and Common Council/Community Development Commission, may address the body at the end of the meeting, during the period reserved for public comments. Said total period for public comments shall not exceed forty-five (45) minutes, unless such time limit is extended by the Mayor and Common Council/Community Development Commission. A three minute limitation shall apply to each member of the public, unless such time limit is extended by the Mayor and Common Council/Community Development Commission. No member of the public shall be permitted to “share” his/her three minutes with any other member of the public.

The Mayor and Common Council/Community Development Commission may refer any item raised by the public to staff, or to any commission, board, bureau, or committee for appropriate action or have the item placed on the next agenda of the Mayor and Common Council/Community Development Commission. However, no other action shall be taken nor discussion held by the Mayor and Common Council/Community Development Commission on any item which does not appear on the agenda unless the action is otherwise authorized in accordance with the provisions of subdivision (b) of Section 54954.2 of the Government Code.

Public comments will not be received on any item on the agenda when a public hearing has been conducted and closed.